

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**BILL OF INFORMATION FOR VIOLATION
OF THE ACT TO PREVENT POLLUTION FROM SHIPS**

UNITED STATES OF AMERICA

*** CRIMINAL NO.:**

V.

*** SECTION:**

OFFSHORE SERVICE VESSELS, LLC

*** VIOLATION: 33 U.S.C. § 1908(a)**

*** * ***

The United States Attorney charges that:

Count 1

A. At All Times Material Herein:

1. Defendant **OFFSHORE SERVICE VESSELS, LLC ("OSV")**, formerly titled Edison Chouest Offshore Vessels, LLC, was a Louisiana limited liability company, with its corporate headquarters located in Galliano, Louisiana, in the Eastern District of Louisiana.

2. At all relevant times, Defendant **OSV** owned and operated the *R/V Laurence M. (L.M.) Gould ("R/V Gould")*. The *R/V Gould* was a 2966 gross ton American-flagged vessel that served as an ice-breaking research vessel working under contract for a national foundation.

3. The International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 (hereinafter the "MARPOL Protocol") is an international treaty that established the international standards for the maximum concentration of oil permitted to be discharged overboard from the machinery spaces of certain vessels. This standard is 15 parts per million ("ppm"). MARPOL, Annex I, Regulation 9. MARPOL required vessels to have and maintain an oil sensing device, such as an Oil Content Meter, which is the sensor component of an Oily Water Separator, to detect and prevent discharges containing a concentration in excess of 15 ppm. MARPOL, Annex I, Regulation 16. The purpose of the Oily Water Separator was to treat oil contaminated waste water, including oil contaminated bilge waste and other oily mixtures, by separating out the oil from the water. When the Oil Content Meter detected more than 15 ppm oil, it was designed to redirect that effluent to a storage location on board the vessel.

4. Annex I of the MARPOL Protocol has been embodied in numerous agreements to which the United States has become a party and has been implemented in the United States by the "Act to Prevent Pollution from Ships" ("APPS"), 33 U.S.C. §§ 1901, et seq. APPS applies to ships registered in the United States and operated under the authority of the United States, wherever located. 33 U.S.C. § 1902. APPS makes it a crime for any person to knowingly violate the MARPOL Protocol, APPS, or regulations promulgated under APPS. 33 U.S.C. § 1908(a). The APPS regulations apply to all seagoing commercial vessels flagged or registered in the United States such as the *R/V Gould*. 33 C.F.R. § 151.09. APPS also requires that overboard discharges from seagoing vessels registered in the United States, such as the *R/V Gould*, contain

less than 15 ppm and be made through an Oily Water Separator and other equipment designed to detect and prevent discharges in excess of 15 ppm. 33 C.F.R. §§ 151.10 and 155.370.

5. "Flag states" (i.e. nations that register vessels) certify the vessel's compliance with international laws. The United States was the flag state for the *R/V Gould* during the relevant period. The United States Coast Guard (U.S. Coast Guard), an agency of the United States Department of Homeland Security, is charged with enforcing the laws of the United States and is empowered under Title 14, United States Code, Section 89(a), Title 46, United States Code, Chapter 33, and APPS, Section 8, to board vessels and conduct inspections and investigations of potential violations and to determine compliance with the MARPOL Protocol, APPS, and related regulations.

6. The *R/V Gould* had a crew of approximately 16, at least 3 of whom worked in the Engine Department.

7. The operation of Defendant **OSV's** vessel *R/V Gould* generated large quantities of waste oil due to leaks and drips from the engines' lubrication and fuel systems, and/or the normal operation of vessel machinery. This waste oil combined with water, detergents, solvents, and other wastes that accumulated in the bottom or the "bilges" of the vessel to form oily waste water. This oil-contaminated bilge waste had to be properly managed for the vessel to remain seaworthy and by law could not be discharged overboard if it contained more than fifteen (15) parts per million ("ppm") of oil. Accordingly, operators of the *R/V Gould* had two choices: (1) store the oil-contaminated bilge waste on-board until such time as it could be discharged ashore, or (2) process the oil-contaminated bilge waste using a pollution prevention control device known as an Oily Water Separator.

8. An Oily Water Separator, as the name implies, is a device designed to reduce the amount of oil in the bilge waste water to less than 15 ppm. After passing through the Oily Water Separator, bilge waste containing less than 15 ppm oil may be discharged overboard. The remaining concentrated oil must be disposed of shore-side or incinerated.

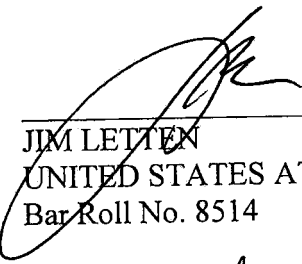
9. From in or about July 2004 until in or about September 2005, oily waste water that was generated aboard the *R/V Gould* was stored in the "bilge water holding tank," also known as the "wash water tank," which had a capacity of approximately 12,000 gallons. When the bilge water tank could receive no more wastewater contaminated with oil, crew members intermittently discharged the oil wastewater from the bilge tank overboard. Before the wastewater contaminated with oil was discharged overboard, it was required to first pass through the Oily Water Separator, however the Oily Water Separator was not working properly.

10. From in or about July 2004 until in or about September 2005, on multiple occasions, crew members from the *R/V Gould* engine room, acting within the scope of their employment with OSV, discharged oily wastewater from the bilge water holding tank overboard without using the Oily Water Separator.

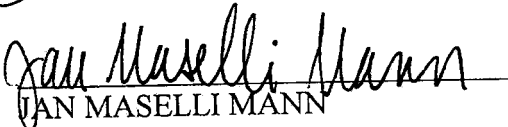
B. The Apps Violation:

On or about September 8, 2005, on the high seas, Defendant OSV, by and through the acts of its agents and employees, acting within the scope of their agency and employment and for the benefit of the defendant OSV, did knowingly discharge and cause the discharge of oil and oily mixtures, namely oil-contaminated bilge water, directly overboard from the *R/V Gould*, a United States-registered 2966 gross ton vessel, certified for ocean service, without first sending

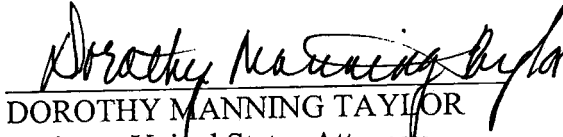
the oil- contaminated bilge water through an Oily Water Separator; all in violation of Title 33,
United States Code, Section 1908(a).



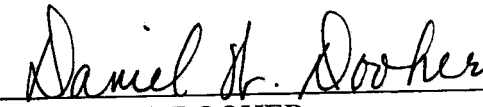
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